

REMARKS

Claim 11 (now claim 9) has been amended to amplify the distinctions between the claimed invention and the prior art. The thatch here is shown to be annular, a feature not shown in the prior art. By proper positioning of the thatch on the finial receiving means, the thatch is retained in place and can be slid off, due to the relative positions of the central opening and the finial mounted on the finial receiving means.

Claims 2-7 and 9-11 (now 1, 8, and 9) have been rejected over the combination of the reference from Tiki Trader Inc. in view of Palapa Kings, Inc, and further in view of Royal Thatch, Inc. The Examiner admits that Tiki Trader does not disclose a one-piece woven thatch covering, and therefore she has added the Palapa Kings reference.

First let us look at how the Examiner defines the product of Tiki Traders. Reference is made to the photo on page 1 of the material cited. Notice that there is NO FABRIC Canopy. The thatch is attached to a series of at least three spaced nylon ropes. Spaced ropes do not constitute a fabric canopy as that term is known in the umbrella art. A key element found in applicant's product and claims is missing in the reference. Now look at the Palapa Kings reference, even at the version cited by the Examiner. Again, the canopy is MISSING.

The Palapa Kings' art cited by the Examiner is incomplete and unwittingly misleading. Counsel will now explain. In the printouts that serve as the references, large sections of text are missing. Counsel has downloaded the same pages, but IN FULL with the extra text present. Such pages from the Palapa Kings' website are enclosed. For referral by the Examiner.

Now Counsel refers back to page 3 of the O.A where the Examiner has set forth an incorrect premise. At lines 4 and 5 of page 3 she states— "*Palapa Kings teaches a thatched umbrella comprising a conventional umbrella frame, and ...*" But she begs the question as to what is a conventional frame?? The frame that Palapa uses is a wood frame that is STATIONARY. Reference is made to the text of the section of the filled in reference describing the 9-foot Palapa Kit. This umbrella, once erected, stays up all the time. Note the absence of the extra structure needed to close and reopen the umbrella. See photo. Applicant on the other hand clearly defines a thatch umbrella that is capable of opening and closing. This is a new product, not shown in the combination of references.

The examiner is further urged to read the last sentence of paragraph 1 of the supplied text. It states, "*Our palapa tops are a single pre-woven piece which makes them extremely durable in windy conditions.*" No where does it say that the units are woven circularly. Read claim 9 and note the specifics recited about the continuous circular weaving. Palapa King units are not so

1 woven in the circular mode and are thus different. The continuous circular weave thatch was  
2 created so that a thatched umbrella that OPENED AND CLOSED could be marketed.

3 Now let us review in detail the comments about the Royal Thatch reference. At page 3  
4 six lines from the bottom, the applicant says, "*Royal Thatch teaches a thatched roof structure...  
5 formed by thatched pieces being placed on a membrane.*" She then says it is obvious etc., etc.,  
6 but her underlying premise is not correct. The Royal Thatch is not a thatched roof structure. Even  
7 the reference says that *it makes SIMULATED THATCH ARTICLE MADE BY GLUING LITTLE  
8 PIECES TOGETHER ON A TILE*. This reference is not appropriate for use here. The reference  
9 discusses a ROOFING material for houses etc., and not an umbrella similar to applicant's. Note  
10 that to use Royal Thatch on an umbrella frame, each individual tile must be stapled down. This  
11 simulated thatch is not a thatch, and is not intended for use in the manner that applicant uses his  
12 one-piece circular woven thatch as a covering for an openable and closable umbrella. *The art is  
13 totally non-analogous, different, and irrelevant.* The conclusion reached at the top of page 4 of  
14 the O.A. is strained, to say the least. The combination should be withdrawn.

15 Applicant has devoted a large amount of time to the development of this product, which  
16 indeed is a commercially available unit and as such patent protection is a necessity. For the  
17 edification of the Examiner, two pages from the assignee's catalog are enclosed showing the  
18 thatched umbrella in both open and closed condition.

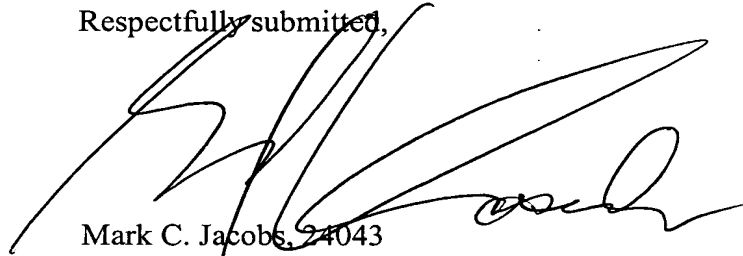
19 The Examiner has commented in paragraph 3 of the O.A, that applicant does not claim  
20 how to make the thatch. Such is not the case. Product by process language has been included in  
21 come of the claims to recite details on the thatch. See claim 9 for instance. Granted applicant  
22 does not claim the thatched article, but the language added to some of the claims is supportive  
23 of the position of patentable subject matter.

24 Also enclosed are the text filled pages of Palapa Kings as discussed supra as downloaded  
25 from the internet.

26 Reference is now made to the citation but not applied reference of Bamboo Hawaii. From  
27 the one page cited by the Examiner, there is absolutely no basis for her conclusion that the  
28 reference teaches *a continuous(ly) one-piece thatch to be placed over an umbrella frame similar  
29 to the invention.* In support of applicant's assertion, the second page from the internet site  
30 [www.bamboohawaii.com](http://www.bamboohawaii.com) is enclosed. Note the umbrellas covered over are FIXED, non-openable  
31 umbrella frames on poles. Applicant has a complete umbrella on a pole, which is a frame plus  
32 a canopy. In point of fact, Counsel talked on the phone with the owner of the company in Kailua,  
33 Oahu. Counsel was advised that the photo of the unit shown in the lower photo on the page

1 enclosed was a thatch made of palm leaves, attached to a chicken wire frame and then put on top  
2 of the fixed poles. Clearly these are not openable and closable, and no fabric canopy is present.  
3 A series of these pseudo-conical shaped thatches mounted on chicken wire was made for a water  
4 park located off the H1 highway in Oahu. Counsel is prepared to submit a declaration of these  
5 statements should the Examiner request such. Therefore the allegation of the Examiner cannot  
6 be supported.

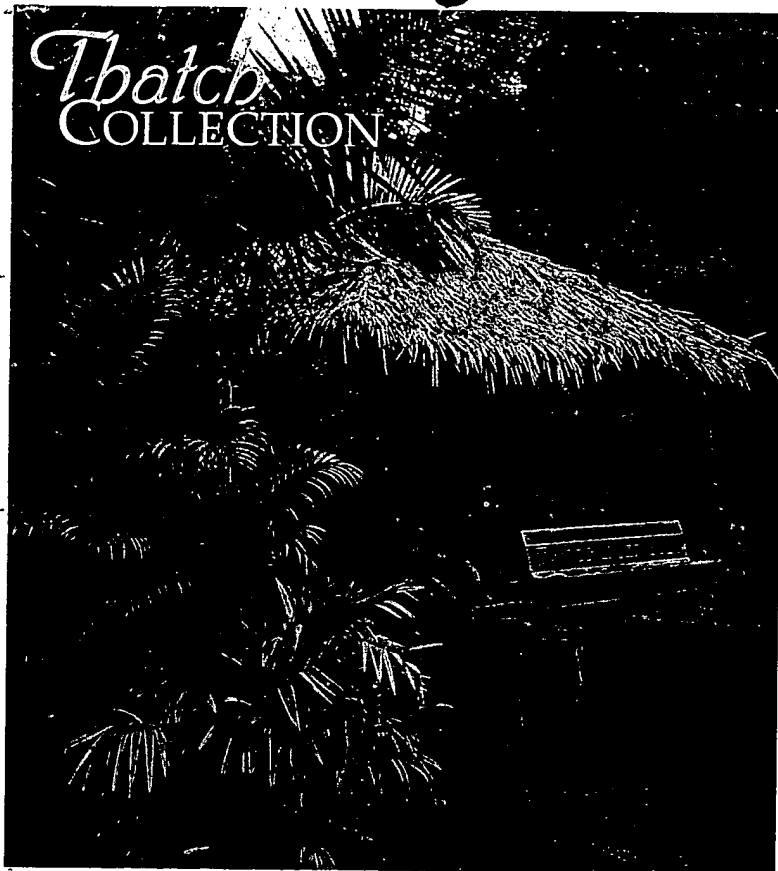
7  
8 Respectfully submitted,

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12 Mark C. Jacobs, 24043

13 Attorney for Applicant(s)

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*American Holtzkraft Thatch Umbrellas blend beautifully with natural surroundings or landscaped planting areas.*



*invention*

Why is American Holtzkraft Inc. world renown? Are we the biggest? Are we the best? Granted, it is a fairly small industry, but we believe the number one reason is because we do things no one in the world has done before. We have done the research and for two long years worked at making a quality, beautiful, useful, thatch umbrella that easily and quickly closes as well as it opens.

Our team of company and local central Florida experts walked out of our think tank with an additional bag of features we are fortunate to enjoy - even though unexpected. The first generation of the thatched umbrellas is constructed with a custom weaved palm thatch canopy.

#T701 6' Thatch Umbrella  
 #T702 8' Thatch Umbrella  
 #T705 12.5' Thatch Umbrella

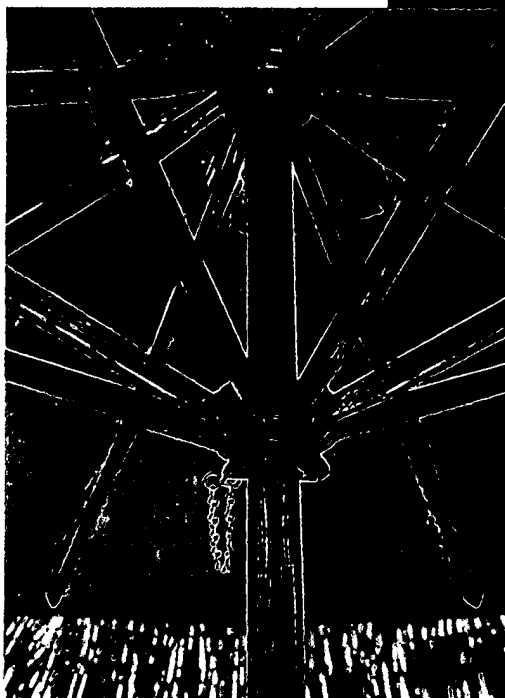
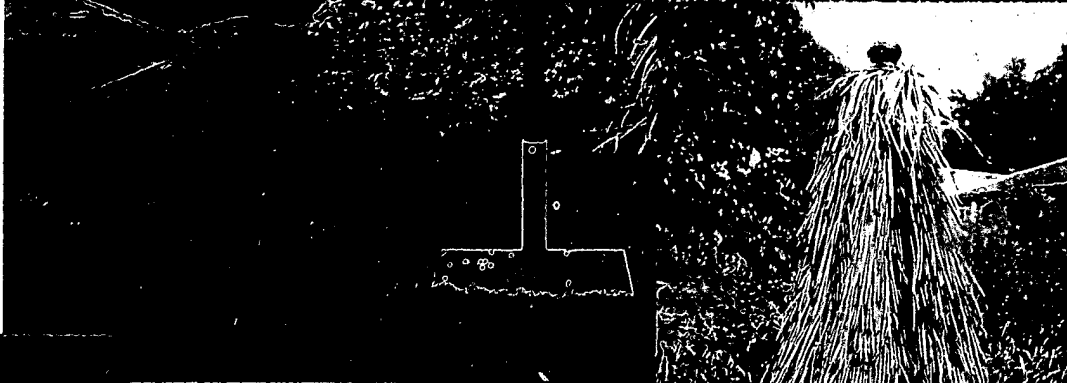
#### STANDARD FEATURES

- 6 ft., 8 ft., or 12.5 ft. Octagon Canopy.
- Canopy is easily taken off or placed onto existing umbrella.
- Designed for water and air drainage allowing for long life of thatched canopy.
- Attractive both open or closed. Can be used with lights or other options.

#### OPTIONS

f1. Treatment for fire retardant uses.

#T702 8' Octagon Umbrella  
 with Thatch cover canopy.  
 Stand available separately  
 (#600 series).



American Holtzkraft, Inc. Model #T701, #T702, and #T705 Thatch Umbrella frames are sand blasted and toned for authentic looking style. Note our custom weave pictured.

These unique umbrellas are manufactured exclusively at our Clermont, Florida Service Center.





**PALAPA KINGS INC**  
*You deserve a permanent vacation*

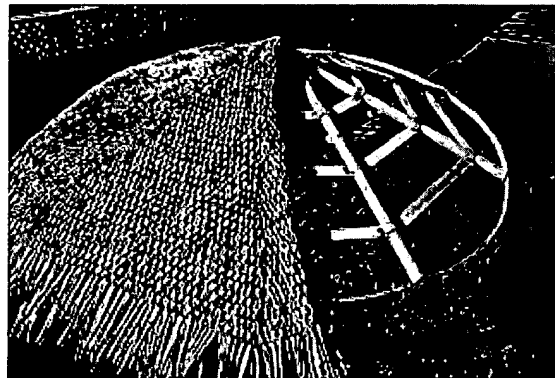
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## 9 ft. Diameter Palapa Kit

Our palapa's framework is constructed from the highest grades of pressure treated lodge pole pine. The 6" diameter center pole extends into 2" diameter rafters and supports. The wood is rustic in nature which contributes to the authentic palapa look. The tops are handwoven in mainland Mexico. Our Palapa tops are a single pre-woven piece which makes them extremely durable in windy conditions.

Installation is a breeze, Dig a hole or core a hole, construct the frame, place the pre-woven thatch tops on the frame and enjoy! Our Palapa kit will transform your patio, pool area, yard or commercial property into that paradise we all yearn for.



### Each Palapa Kit Includes:

- Precut lumber, pre-drilled and partially assembled
- Two Hand-woven palm thatch tops
- Complete assembly hardware
- Easy to follow Instructions
- Fire Retardancy available ([see fire retardancy info](#))

### Order # PLP9

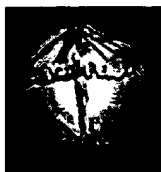
Description: 9 ft. Diameter Palapa Kit.  
\$825.00 + S&H

### Order # PLPEF9

Description: 9 ft. Diameter Palapa Kit with exterior fire retardant (certificate will be issued).  
\$1,150.00 + S&H

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### Mexican Raincape Panels

Create your own custom project with Mexican raincape thatch panels. These pre-woven panels are a simple and inexpensive way to create the authentic palm thatch look.

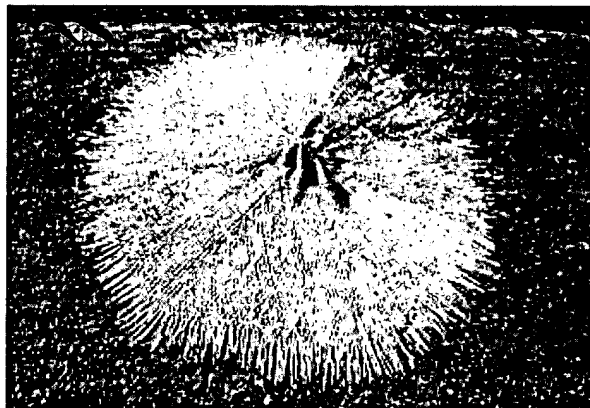
### Applications

- Window Coverings [[photo](#)]
- Patio Covers [[photo](#)]
- Playsets [[photo](#)]
- Bar Canopy [[photo](#)]
- Chair Swing [[photo](#)]
- Your imagination is the only Limit!

### Specifications

Each Panel is approximately 48" x 36".  
 ([CLICK FOR PHOTO](#))

### THATCHING



Shown here: 9 ft. umbrella thatch.

### Installation:

Easy Do-it-yourself.  
 Double layer thatch to achieve plush authentic look.  
 Install panels in horizontal rows beginning at the bottom. Staple to subsurface. For subsequent vertical rows, overlap the panels to overhang the panels below. Panels may be cut to fit your application. Fire retardant thatch available (see Fire Retardant Info)

Order#	Description	Price
RC34	Raincape Panel	<b>\$18.00</b>
RCIF34	Raincape Panel, Interior Fire Retardant	<b>\$25.00</b>
RCEF34	Raincape Panel, Exterior Fire Retardant	<b>\$38.00</b>
9THCH	9' Replacement Thatch	<b>\$180.00</b>
9THCHEF	9' Replacement Thatch, Ext. Fire Retardant	<b>\$280.00</b>

### To calculate number of panels needed:

(Total square foot of roof area / 12) x 2 = thatch panels needed.

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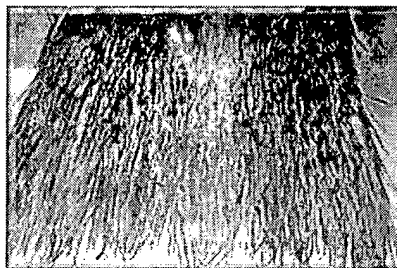
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## Tropical Thatch



**Thatch Panel** - Made of palm leaf, these panels are used on the roof to create that "little grass shack" effect. Tan to brown in color. Available in 4' X 4' panel.



**Umbrella Thatch Cover** - Same as above except these are made especially to cover an umbrella. Conical in shape. Available in 7', 9', and 12' diameters.


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